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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,934	03/26/2004	Akira Yamamoto	59558.00023	6428

32294 7590 09/18/2007
SQUIRE, SANDERS & DEMPSEY L.L.P.
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TYSONS CORNER, VA 22182

EXAMINER

AFZALI, SARANG

ART UNIT	PAPER NUMBER
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3726

MAIL DATE	DELIVERY MODE
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09/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

78

Advisory Action Before the Filing of an Appeal Brief	Application No.	Applicant(s)	
	10/809,934	YAMAMOTO ET AL.	
	Examiner	Art Unit	
	Sarang Afzali	3726	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 10 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

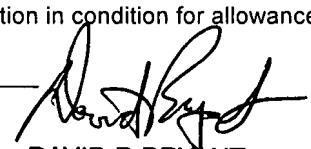
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.


 DAVID P. BRYANT
 SUPERVISORY PATENT EXAMINER

9/17/07

Continuation of 11. does NOT place the application in condition for allowance because:

With respect to Chung, Applicant argues (Remarks, pages 1-3), that element 20 is a belt and not a roller and is not connected to the rim 30 and they do not meet at axial ends and that element 112 is not a rotor and as such Chung does not anticipate claim 4.

The Examiner respectfully disagrees with the above arguments. Note that given the broadest reasonable interpretation of the claimed limitation, the combination of belt 20 riding on rim 30 is considered a "roller body" since they roll and move around a central axis of the rim 30 and the two elements are indeed connected with each other and meet at the axial ends. As for output shaft 112, the Examiner still considers it to read over the limitation of "rotor" since the shaft turns within a stationary body (reducer 42, Fig. 2). As such, Chung teaches the claimed invention.

With respect to Agnoff, Applicant argues (Remarks, pages 3-5), that element rotor 82 does not connect to either a gear reducer or a motor and end cap 20 (second roller body) is entirely unconnected to the motor 70, except by the roller tube 16 and that first and second roller bodies are layered and do not meet at axial ends and that they are not connected at a "power transmission section", thus Agnoff does not anticipate claim 4.

The Examiner respectfully disagrees with the above arguments. Agnoff teaches that motor 70, reducer 120 and rotor 82 are indeed connected to each other through the motor shaft 78 (col. 4, lines 34-42). In addition, as stated above and as the Applicant agrees, the end cap 20 (second roller body) is indeed connected to motor 70 if only by means of roller tube 16. Furthermore, given the broadest reasonable interpretation of the claimed limitation, the two rolling elements 16 & 20 (Fig. Fig. 1) are indeed connected with each other at a power transmission section and meet at the axial ends as stated in the last office action. As such, Agnoff teaches the claimed invention.

With respect to Fannin et al. teaching regarding claim 4, Applicant argues (Remarks, pages 5-7), that first and second roller bodies (elements 88 & 104) do not meet at axial ends and it appears that Fannin does not teach that an axial end section of a second roller body side of the first roller body and an axial end section of a first roller body side of the second roller body are connected and it further appears that the Fannin does not teach the recitation that first and second roller bodies connect at a power transmission section. Furthermore, regarding claim 5, Applicant argues that Fannin elements 88 and 104 do not connect to an outer peripheral surface of element 89 and as such Fannin et al. do not anticipate neither claims 4 or 5.

The Examiner respectfully disagrees with the above arguments. As stated in the last office action and as it is evident from Fig. 4 (right-end), and given the broadest reasonable interpretation of the claimed limitation, Fannin et al. indeed teach the first and second roller bodies connected at an axial end and at a power transmission section between the rotor and the roller body and further teach that the inner peripheral surfaces of the first and second roller bodies 14 & 88 are connected to an outer peripheral surface of the rotor 89. As such, Fannin et al. teach the claimed invention.